

# Wetlands Bureau Decision Report

Decisions Taken  
01/31/2011 to 02/06/2011

## **DISCLAIMER:**

This document is published for information purposes only and does not constitute an authorization to conduct work. Work in jurisdiction may not commence until the applicant has received a posting permit.

Decisions are subject to appeal, and are reviewed by the federal agencies for compliance with Section 404 of the Federal Clean Water Act.

## **APPEAL:**

I. Any affected party may ask for reconsideration of a permit decision in accordance with RSA 482-A:10,II within 30 days of the Department's issuance of a decision. Requests for reconsideration should:

- 1) describe in detail each ground for complaint. Only grounds set forth in the request for reconsideration can be considered at subsequent levels of appeal;
- 2) provide new evidence or information to support the requested action;
- 3) Parties other than the applicant, the town, or contiguous abutters must explain why they believe they are affected; and
- 4) Be mailed to the DES Wetlands Bureau, PO Box 95, Concord, NH 03302-0095.

II. An appeal of a decision of the department after reconsideration may be filed with the Wetlands Council in accordance with RSA 482-A:10, IV within 30 days of the department's decision. Filing of the appeal must:

- 1) be made by certified mail to George "Chip" Kimball, Chairperson, Wetlands Council, PO Box 95, Concord, NH 03302-0095 (a copy should also be sent to the DES Wetlands Bureau);
- 2) contain a detailed description of the land involved in the department's decision; and
- 3) set forth every ground upon which it is claimed that the department's decision is unlawful or unreasonable.

UNKNOWN

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**2005-01254                      VALENTIN, ALFREDO**  
**HILLSBOROUGH   Unnamed Wetland**

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Denied for insufficient & untimely response

**With Findings:**

1. A request for additional information dated 12/05/06, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-00615                      KINGSTON, TOWN OF**  
**KINGSTON**

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Denied for insufficient & untimely response

**With Findings:**

1. A request for additional information dated 05/11/10, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-00995                      PARENT, KENNETH & PAMELA**  
**HUDSON   Unnamed Stream**

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Denied for insufficient & untimely response

**With Findings:**

1. A request for additional information dated 01/22/10, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

MAJOR IMPACT PROJECT

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**2005-01618                      KING, LARRY**  
**WENTWORTH   Baker River**

Requested Action:

Request to waive Administrative Rule Env-Wt 502.01 which states "issued permits and completed permit by notifications shall have a duration of 5 years..."

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APPROVE TIME EXTENSION:

Dredge and fill 5,000 square feet within the bank and bed of the Baker River (impacting 500 linear feet) to stabilize an eroding bank by installing root wads, log revetments anchored with boulders, and approximately 100 live plantings.

With Conditions:

1. All work shall be in accordance with revised plans by Natural Resource Consulting Services, as received by the Department on November 9, 2005.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
4. Work shall be done during low flow conditions.
5. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters.
6. Work shall be conducted in a manner that avoids excessive discharges of sediments to fish spawning areas.
7. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
9. All activity shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.

With Findings:

DES Reaffirms findings 1 through 6 of the original permit and amendment decision with additional findings for the waiver request:

1. This project is classified as a Major Project per NH Administrative Rule Wt 303.03(i), as impacts are greater than 200 linear feet within the bed and bank.
2. The need for the proposed impacts has been demonstrated by the applicant per Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
5. This major impact stream project proposes to stabilize 500 linear feet of eroding bank with natural materials and native plantings to help prevent further erosion and protect water quality within the Baker River; therefore, alternative mitigation Rule Wt 803.06 has been met.
6. The public hearing is waived with the finding that the project impacts will not significantly impair the resources of the Baker River. In fact, the bank stabilization should help to prevent further erosion and protect water quality.

Additional waiver findings:

7. The applicant contacted DES in a letter dated July 21, 2010 because the permit was close to expiring and they wanted to discuss extending the permit expiration deadline due to the poor economic conditions.
8. Administrative Rule Env-Wt 204.01 provides that waiver to rules are to accommodate those situations where strict adherence to the rules would not be in the best interest of the public or the environment.
9. On February 01, 2011 DES received a request for a waiver pursuant to Env-Wt 204.03.
10. Administrative Rule Env-Wt 204.04(a) provides that a request for a waiver shall be granted if: (1) Granting the request will not result in: a. An adverse effect to the environment or natural resources of the state, public health, or public safety; or b. An impact on abutting properties that is more significant than that which would result from complying with the rule; and (2) One or more of the following conditions is satisfied: a. Granting the request is consistent with the intent and purpose of the rule being waived; b. Strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant; (b) No waiver shall be granted if the effect of the waiver would be to waive or modify a statutory requirement.
11. Permit 2005-01618 has an expiration date of December 01, 2010.

12. The applicant has indicated that due to the recent economic conditions they have not been able to complete the project.
13. The applicant has requested a 3-year extension of the existing permit.
14. Compliance with the rule in this case would represent a burden and economic hardship to the applicant.
15. The applicant has provided the additional impact fees that are consistent with the current impact fee structure.
16. Based on findings 7 through 14 DES has granted the waiver request and granted a onetime permit timeframe extension.

**2005-02171                      RYE, TOWN OF**  
**RYE   Atlantic Ocean**

Requested Action:

Denied for insufficient & untimely response

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Denied for insufficient & untimely response

With Findings:

1. A request for additional information dated 09/20/05, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2008-02322                      MCCOY, PAUL & JOSEPHINE**  
**RAYMOND   Unnamed Stream Wetlands**

Requested Action:

Denied for insufficient & untimely response

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DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Denied for insufficient & untimely response

With Findings:

1. A request for additional information dated 04/27/10, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2008-02732                      DOVER, CITY OF**  
**DOVER   Piscataqua River**

Requested Action:

EMERGENCY AUTHORIZATION ISSUED 12/17/08 - Impact 27250 sq. ft. to stabilize an eroded embankment with riprap

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Conservation Commission/Staff Comments:

See enforcement file 2008-2732.

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Denied for insufficient & untimely response

With Findings:

1. A request for additional information dated 02/13/09, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (2), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2010-00428                      HANOVER, TOWN OF**  
**HANOVER   Connecticut River**

Requested Action:

The Applicant requests that the permit conditions be amended to reflect a later plan revision date and requests a waiver to permit conditions relative to the mitigation proposal.

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Conservation Commission/Staff Comments:

see file for comments

Inspection Date: 06/11/2010 by Chris T Brison

APPROVE AMENDMENT:

Construct a 6 ft x 10 ft concrete pad to anchor a 10 ft x 90.2 ft gangway accessing a 10 ft x 180 ft seasonal pier on an average of 1,383 ft of frontage on the Connecticut River, in Hanover.

With Conditions:

With Amended Conditions:

1. All work shall be in accordance with plans by Engineering Ventures, PC dated February 17, 2010, as received by the NH Department of Environmental Services (DES) on February 23, 2010 with revisions dated October 20, 2010, recieved by DES on October 20, 2010.
2. This approval is contingent on receipt by DES of a payment of \$9,027.41 to the DES Aquatic Resource Mitigation (ARM) Fund. The initial administrative ARM payment of \$429.88 shall be received by DES within 120 days of the date of the approval letter, and the final ARM payment balance of \$8,597.53 shall be received prior to construction and within 120 days of the date following the receipt of final unappealable approvals and permits from local authorities or by March 22, 2013 or the application will be denied.
- 3 Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
4. The installation and removal of the pier and gangway shall be done at a time when there are sufficient water levels to float the pier into place and avoid unnecessary impacts to the riverbed.
5. Appropriate siltation, erosion, and turbidity controls shall be in place prior to the construction of the concrete anchor pad, shall be maintained during construction, and shall remain until the area is stabilized.
6. There shall be no cutting of trees or removal of any stumps from the bank except for the area within which construction of the concrete pad will take place.
7. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee.
8. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
9. This docking facility shall be utilized indefinitely as a public access to the Connecticut River and shall not be changed to private use.
10. This structure, the pre-existing "T" shaped pier, and the existing boat ramp shall be the only structures on this water frontage and all portions of the structures shall be at least 20 ft from abutting property lines or the imaginary extension of those lines into the water.
11. The seasonal pier and gangway shall be completely removed from the river for the non-boating season.
12. No portion of the pier shall extend more than 80 feet from the ordinary high waterline.

13. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

With amended findings:

1. This project is classified as a major project per Rule Env-Wt 303.02(d), construction of a major docking facility.
2. The applicant has an average of 1,383 feet of frontage along the Connecticut River.
3. A maximum of 19 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
4. The existing and proposed docking facilities will provide a total of 10 slips as defined per RSA 482-A:2, VIII and therefore meets Rule Env-Wt 402.13.
5. The Applicant has submitted an evaluation of the site and project, compiled by a qualified environmental professional, documenting that the project will not adversely affect wildlife or the adjacent near shore wetlands.
6. The Applicant has submitted plans designed by a licensed professional engineer for the docking facility's placement, configuration, and construction suitable for the site and potential use of the facility.
7. Rule Env-Wt 402.03, (b), Dimensions, allows for larger than standards dimensions if the users of a docking facility may have permanently disabilities which may require larger dimensions to address safety concerns. The 10 ft width requested for the docking facility is typical for publicly available facilities to address the requirements of those residents that may have permanent disabilities.
8. Public hearing is waived based upon review of the minutes of multiple local and regional public meetings, in addition to the regular file materials, with the finding that the project impacts will not significantly impair the resources of the Connecticut River.
9. The applicant has reviewed on-site options for mitigation and the Department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
10. The department has determined that this project is acceptable for payment to the Aquatic Resource Mitigation (ARM) Fund.
11. The payment calculated for the proposed wetland loss equals \$9,027.41.
12. On February 1, 2011 the applicant provided a waiver request per Env-Wt 204.03, to waive paying the full amount of the in-lieu fee payment within 120 days of the date of the notice as required by Env-Wt 806.05(b).
13. The administrative fee (\$429.88) shall be paid within 120 days of the date of this letter.
14. The full amount of the in-lieu fee payment (\$8,597.53) shall be received by DES prior to construction and within 120 days of the date following the receipt of final unappealable approvals and permits from local authorities or by March 22, 2013 or the application will be denied.
15. There will be no adverse effect to the environment or natural resources of the state, public health, or public safety; or on abutting properties that is more significant than that which would result from complying with the Env-Wt 806.05(b).
16. The waiver is granted in accordance with Env-Wt 204.04(b), as strict compliance with the rule will provide no benefit to the public and will cause an operational or economic hardship to the applicant.
17. The Department decision is issued in letter form and upon receipt of the full ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
18. The payment shall be deposited in the DES ARM fund for the Upper Androscoggin River watershed per RSA 482-A:29.
19. The payment calculated for the proposed aquatic resource loss equals \$9,027.41 which must be paid in full prior to construction.
20. The Department decision is issued in letter form and upon receipt of the ARM fund payment, the Department shall issue a posting permit in accordance with Env-Wt 803.08(f).
21. The payment into the ARM fund shall be deposited in the Department's fund for the Connecticut River - Waits River to White River watershed per RSA 482-A:29.
22. The Department has received concerns from various parties regarding potential parking and vehicular traffic issues as well as concerns regarding the future adequacy permanent or temporary restrooms.
23. The activities listed above will occur beyond the jurisdiction limits of RSA 482-A and cannot be regulated by the Department as part of this approval process.
24. The Department has received concerns from various parties associated with the potential use of the facility by regional rowing clubs.
25. This approval authorizes the Town of Hanover to install and maintain the described docking facility on town owned property along the Connecticut River. Decisions pertaining to who may use the facility and how they use the facility are the Town of Hanover's and not within the authority of Department.

-Send to Governor and Executive Council-

**2010-02905                      28 POND STREET REALTY LLC**  
**NASHUA   Tributary To Merrimack / Salmon Brook**

Requested Action:

Impact a total of 8,840 square feet to include 5,000 square feet of impact to the bank and/or Prime Wetland Buffer to Salmon Brook and 3,840 square feet of temporary impact to rip-rap the outlet of a 60-inch concrete outfall pipe as part of the City of Nashua's new sanitary sewer and storm water drainage lines.

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Conservation Commission/Staff Comments:

The 'project received approval from the Nashua Conservation Commission' . . .

APPROVE PERMIT:

Impact a total of 8,840 square feet to include 5,000 square feet of impact to the bank and/or Prime Wetland Buffer to Salmon Brook and 3,840 square feet of temporary impact to rip-rap the outlet of a 60-inch concrete outfall pipe as part of the City of Nashua's new sanitary sewer and storm water drainage lines.

With Conditions:

1. All work shall be in accordance with plans by Hayner/Swanson, Inc. dated 12 July 2010 and revised 09/10/10, as received by the NH Department of Environmental Services (DES) on October 20, 2010.
2. This permit is contingent on the approval and conditions of the NPDES permit.
3. This permit is contingent on approval by the DES Waste Management Division.
4. This permit is contingent on approval by the DES Alteration of Terrain Bureau.
5. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
6. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
7. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau further permitting by the Bureau.
8. Work shall be done during seasonal low flow conditions.
9. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters, wetlands or the Prime Wetland Buffer.
10. Faulty equipment shall be repaired prior to entering jurisdictional areas.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of NH DES Wetlands Bureau jurisdictional areas.
13. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
14. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.
15. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
16. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
17. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
18. Area shall be regraded to original contours following completion of work.
19. Any additional human activities within the 100-foot Prime Wetland Buffer without a wetlands permit may be considered in violation of RSA 482-A and may be subject to enforcement action by DES, including, but not limited to, the issuance of fines, administrative orders, or referral to the Department of Justice for the imposition of appropriate penalties.
20. A land resource professional shall inspect the project to insure compliance with approved plans and permit conditions prior to completion of the project. A post-construction report documenting the status of the completed project with photographs shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.

With Findings:

1. This is a major impact project per Administrative Rule Env-Wt 303.02(f), projects located in or adjacent to designated prime wetlands under RSA 482-A:15.
2. Currently, The City of Nashua operates a combined waste water and storm water for the Harbor Avenue area. During large rainfall events stormwater runoff overwhelms the existing infrastructure. As a result, untreated sewage discharges into the Harbor Avenue area; therefore, need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The City of Nashua is under an U.S. Environmental Protection Agency Consent Decree to design and construct the proposed sewer separation system.
4. The applicant has provided evidence which demonstrates that his/her project, as approved and conditioned, is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
5. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project.
6. The detailed engineering plans accurately locate the boundary of the wetlands and prime wetlands.
7. The erosion controls, water velocity controls, grass treatment swales, stabilization methods, culvert sizing and invert elevations will protect the ability of the wetlands to retain floodwaters and silt.
8. The project as approved and constructed in adherence to the provided construction sequence, erosion controls, water treatment system and maintenance program offsets impact from any increased runoff created by the development.
9. Based on the findings above, there is clear and convincing evidence this proposal will have no significant loss of values to the prime wetlands as set forth in RSA 482-A:1, and the project meets the criteria set forth in Rule Env-Wt 703.01 Criteria for Approval.
10. Public hearing is not required with the finding that the project will not adversely impact wetland areas that are considered to be of special value from a local, regional, or state perspective pursuant to Env-Wt 101.86.

**MINOR IMPACT PROJECT**

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**2005-00809                      GILMAN, JEFFREY**  
**WEARE   Unnamed Stream**

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**  
Denied for insufficient & untimely response

With Findings:

1. A request for additional information dated 06/02/05, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2006-01274                      BELVILLE, BRUCE & JANE**  
**HINSDALE   Unnamed Wetland**

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**  
Denied for insufficient & untimely response

With Findings:

1. A request for additional information dated 05/31/06, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the



request, DES shall deny the application.

3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2007-01822                      ROBINSON, KAREN & MARTIN WRIGHT**  
**HAMPTON   Unnamed Wetland**

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Denied for insufficient & untimely response

**With Findings:**

1. A request for additional information dated 08/09/07, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2007-02118                      BEAULIEU, CHARLES & DIANE**  
**LACONIA   Lake Winnisquam**

**Requested Action:**

Applicant request reconsideration of the Department's decision to deny the Applicant's request to replace a retaining wall on property having 200 ft of frontage on Lake Winnisquam, in Laconia.

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**Conservation Commission/Staff Comments:**

Con Com submitted comments stating

1. poor plan submitted
2. what parts are to be repaired
3. previous permits for structures, docks, boathouse with floor, ramp, boatlifts, stairs and walls

**DENY RECONSIDERATION:**

Deny reconsideration and reaffirm the denial of the Applicant's request to replace a retaining wall on property having 200 ft of frontage on Lake Winnisquam, in Laconia.

**With Findings:**

**Standards for Approval**

1. In accordance with RSA 482-A:10,III, Appeals, "On reconsideration, the department shall receive and consider any new and additional evidence presented, and shall make findings of fact and rulings of law in support of its decision after reconsideration."
2. In accordance with RSA 482-A:10,III, Appeals, "if the basis for denial includes failure by the applicant to submit all requested information and the applicant submits all of the requested information with the request for reconsideration, the department shall act on the request within 75 days from the date of the department's receipt of the request for projects where the applicant proposes under one acre of jurisdictional impact, and within 105 days for all other projects."
3. This project is classified as a minor impact per Rule Env-Wt 303.03(k), projects that disturb between 50 and 200 linear feet, measured along the shoreline, of a lake or pond or its bank and do not meet the criteria of Env-Wt 303.02.

**Findings of Fact**

1. On May 02, 2008, the Department denied the Applicant's original request to replace a retaining wall on property having 200 ft of frontage on Lake Winnisquam, on the basis the information requested by the Department in writing on December 05, 2007, had not been submitted. The outstanding information included evidence of a pre-existing wall, adequate plans of existing and proposed conditions, cross sectional plans, a construction sequence, required fee for new wall construction, and evidence the structures are

grandfathered in their current configuration.

2. On May 22, 2008, the Department received a letter from the applicant, this letter was not a Reconsideration Request but a request to meet to discuss the application.
3. On June 20, 2008, the Department issued a letter instructing the Applicant to submit information pursuant to Env-Wt 203.01(d) if they wish to Request Reconsideration of the Departments decision. This letter requested the information be submitted within 30 days of the date of the letter.
4. On July 18, 2008, the Department received a response to the letter dated June 20, 2008. This letter did not include the outstanding information as requested in the Request for More Information letter dated December 05, 2007.
5. On September 12, 2008, the Department received 13 photographs of existing conditions of the frontage.

#### Rulings in Support of Denial

1. The Applicant did not submit the outstanding required information that was the basis for the May 2, 2008 denial. As such, the Applicant has failed to meet the requirements of RSA 482-A:10, III, in that no "new and additional evidence" has been presented and they failed to submit "all of the requested information with the request for reconsideration," and therefore, the request for reconsideration is denied.

**2008-02366                      RUSH, PAMELA**  
**HAMPTON   Upper Tidal Buffer**

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Denied for insufficient & untimely response

**With Findings:**

1. A request for additional information dated 11/04/08, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-01099                      PENTUCKET CONSTRUCTION, MARK LAGASSE**  
**FREMONT   Unnamed Wetland**

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Denied for insufficient & untimely response

**With Findings:**

1. A request for additional information dated 06/15/09, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-02782                      PUBLIC SERVICE OF NH**  
**NEWINGTON   Unnamed Wetland**

**Requested Action:**

Approve name change to Public Service of NH, PO Box 330, Manchester, NH 03105 per request received 2/1/2011. Previous owner: GSM Realty Trust.

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**APPROVE NAME CHANGE:**

Dredge and fill 15,300 square feet of degraded, ponding wetland area created by site disturbance to replace with a properly constructed detention pond stabilized with wetlands vegetation, and impact approximately 1,200 square feet to remove a defunct oil/water separator located at outlet of ponded area, and restore and stabilize removal area with wetlands vegetation, all as part of on-going rehabilitation of a former petroleum tank farm site.

**With Conditions:**

1. All work shall be in accordance with plans by Turner Group dated 4/9/2010, as received by the NH Department of Environmental Services (DES) on 5/7/2010, and per planting plans by Turner Group dated 10/19/2010, as received by DES on 10/19/2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit is contingent on approval by the DES Waste Management Division.
4. Orange construction fencing shall be placed at the limits of construction to prevent accidental encroachment on wetlands.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
7. Within three days of final grading, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
8. Where construction activities have been temporarily suspended within the growing season, all exposed soil areas shall be stabilized within 14 days by seeding and mulching.
9. Where construction activities have been temporarily suspended outside the growing season, all exposed areas shall be stabilized within 14 days by mulching and tack. Slopes steeper than 3:1 shall be stabilized by matting and pinning.
10. Silt fencing must be removed once the area is stabilized.
11. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.

**With Findings:**

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2010-00496                      LETENDRE, GERARD**  
**BEDFORD   Unnamed Wetland**

**Requested Action:**

After-the-fact proposal to retain 2569 sq. ft. for repairs done to an existing buried drainage pipe system.

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**APPROVE PERMIT:**

After-the-fact approval to retain and impact 3238 sq. ft. of wetlands associated with the replacement of an existing clay drainage pipe with a new 8 in. ADS culvert that drains from an existing pond, stabilize existing impacts and create a drainage swale and culvert crossing to contain existing flows from Wallace Road to the pond and create a drainage ditch berm to collect and spread discharge flows.

**With Conditions:**

1. All work shall be in accordance with narratives by Gove Environmental Services Inc., as received by the NH Department of Environmental Services ("DES") on March 5, 2010, April 5, 2010, August 9, 2010 and December 10, 2010 and plans and narratives by Sanford Surveying and Engineering, Inc., plan revision date July 14, 2010, narratives dated June 16, 2010, as received by DES on August 9, 2010 and narratives amended date December 22, 2010, as received by DES on January 18, 2011.
2. Work shall be done during low flow.
3. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.

4. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
7. A qualified professional shall monitor the project during construction to assure it is constructed in accordance with the approved plans and narratives and to assure no water quality violations occur. A follow-up report shall be submitted to the Wetlands Bureau within 60 days of the completion of construction.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
9. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
10. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid. Faulty equipment shall be repaired immediately.
11. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
12. All refueling of equipment shall occur outside of surface waters or wetlands.
13. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(h) Projects involving less than 20,000 square feet of alteration in the aggregate in nontidal wetlands, nontidal surface waters, or banks adjacent to nontidal surface waters which exceed the criteria of Env-Wt 303.04(f).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The Bedford Conservation Commission recommended approval of the pending application.
6. DES received comments from an abutter concerned with the project. The abutter is concerned with sedimentation, lack of erosion controls, questions existence of the previous clay pipe, diversion of flows and increased flooding. See Wetland Bureau File #2010-00496 and comments received March 30, 2010 and July 27, 2010 for detailed comments.
7. DES Staff conducted a field inspection of the site on June 1, 2010. It appeared all currently conducted work had been temporarily stabilized. It was noted that a Town catch basin(s) and an outlet pipe drains flows from Ministerial and Wallace Road to the applicant's pond. The applicant and agent has indicated that the clay pipe leaving the pond had failed and was replaced with new 8 in. diameter plastic pipe which resulted in wetland impacts along the north side of the pond and the north end of the property. The area along the edge of the property and on the abutting property appears to be a forested wetland with historic/established flow paths.
8. The applicant and agent has tried to address the abutter's concerns/comments. Additionally, at the June 1, 2010 meeting the applicant agreed to have a drainage analysis conducted by a professional engineer.
9. The drainage design includes a berm and level spreader to help collect and dissipate discharge flows over a wider area.
10. The applicant submitted a drainage analysis conducted for a 25-year storm event with or without the Town drainage and with the pipeline in failure or in service. The applicant's NH licensed professional engineer concluded that the "HydroCad" models predict the downstream areas will not be adversely affected by the proposed drainage improvements.
11. DES requested that the applicant's engineer further investigate flow affects of the more common 2-year storm event.
12. The applicant's engineer also concluded that downstream areas will not be adversely affected by the proposed drainage under the 2-year storm event.
13. The two abutters along the south end of the property have provided permission letters to DES for the proposed work per Administrative Rule Env-Wt 304.04.

**2010-03309 LYME, TOWN OF**  
**LYME Hewes Brook**

Requested Action:

Confirm Emergency Authorization to impact 750 square feet of Hewes Brook, a perennial stream, to repair two 72" culverts. Impacts included 390 square feet for the invert paving of the culverts and 360 square feet of temporary jurisdictional stream impacts for water diversion during construction.

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CONFIRM EMERGENCY AUTHORIZATION:

Confirm Emergency Authorization to impact 750 square feet of Hewes Brook, a perennial stream, to repair two 72" culverts. Impacts included 390 square feet for the invert paving of the culverts and 360 square feet of temporary jurisdictional stream impacts for water diversion during construction.

With Conditions:

1. Additional requests to dredge and/or fill in this area for repairs, replacement or road upgrades resulting from erosion or washouts shall not be considered or approved until a complete drainage analysis and assessment has been conducted by the applicant to determine if there is a more effective and practicable crossing design.
2. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.

With Findings:

1. This project is classified as a minor project per Rule Env-Wt 303.03 (l) Projects that alter the course of or disturb less than 200 linear feet of an intermittent or perennial nontidal stream or river channel or its banks and do not meet the criteria for minimum impact under Env-Wt 303.04(n).
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The New Hampshire Department of Transportation noted critical bridge deficiencies and recommended that the bridge be closed in a letter dated October 26, 2010.
4. The Town of Lyme closed the bridge on November 04, 2010.
5. The road closure resulted in a ten mile detour over gravel roads with steep grades that may be dangerous in the winter.
6. The emergency repairs were needed for safety and access.
7. Emergency authorization for this work was issued by DES Wetlands Bureau Staff on December 09, 2010.
8. Review of the materials submitted pursuant the emergency authorization indicates that work has been completed in accordance with the emergency authorization.
9. Several Town of Lyme employees and residents gave testimony stating that they have never known this section of road to flood or have Hewes Brook over flow on to the roadway.
10. The Lyme Conservation Commision signed the application waiving their right right to intervene pursuant to RSA 482-A:11.
11. No comments were submitted from the NHFG Nongame and Endangered Wildlife Program or the Natural Heritage Bureau.

**2010-03389 CAMP DAVID LLC**  
**SUNAPEE Lake Sunapee**

Requested Action:

Repair a 10 ft x 16 ft crib and four 3 ft x 3 ft cribs, replace a 10 ft x 15 ft 6 in crib with a 9 ft x 15 ft 6 in crib, remove one 3 ft x 3 ft crib, reduce a 14 ft 6 in x 39 ft 8 in pier to a width of 13 ft 6 in, reduce a 10 ft 10 in x 32 ft pier to a width of 10 ft, Remove interior finger pier and reduce the walkway connecting the two remaining pier to 6 ft in width. Renovate an existing two-story boathouse located over the crib piers removing the changing rooms from the first floor, reducing the second story dimensions from 22 ft 6 in x 30 ft 6 in to 22 ft 6 in x 15 ft with the remaining 22 ft 6 in x 15 ft 6 in area to be open deck, and relocate the stairs to the second floor to the exterior of the structure.

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#### APPROVE PERMIT:

Repair a 10 ft x 16 ft crib and four 3 ft x 3 ft cribs, replace a 10 ft x 15 ft 6 in crib with a 9 ft x 15 ft 6 in crib, remove one 3 ft x 3 ft crib, reduce a 14 ft 6 in x 39 ft 8 in pier to a width of 13 ft 6 in, reduce a 10 ft 10 in x 32 ft pier to a width of 10 ft, Remove interior finger pier and reduce the walkway connecting the two remaining pier to 6 ft in width. Renovate an existing two-story boathouse located over the crib piers removing the changing rooms from the first floor, reducing the second story dimensions from 22 ft 6 in x 30 ft 6 in to 22 ft 6 in x 15 ft with the remaining 22 ft 6 in x 15 ft 6 in area to be open deck, and relocate the stairs to the second floor to the exterior of the structure. Install 2 seasonal personal watercraft lifts.

#### With Conditions:

1. All work on the average of 211 ft of frontage shall be in accordance with plans by Watermark Marine Construction revised January 24, 2011, as received by DES on January 26, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. This permit shall not be effective until it has been recorded with the county Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau prior to construction.
4. The boathouse shall remain a two-story structure; ridgeline height not to exceed elevation 1112.15 ft.
5. All construction related debris shall be placed outside of the areas under the jurisdiction of the DES Wetlands Bureau.
6. Appropriate siltation and erosion controls shall be in place prior to construction, shall be maintained during construction, and shall remain until the area is stabilized.
7. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate dredge area and shall remain until suspended particles have settled and water at the work site has returned to normal clarity.
8. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
9. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
10. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
11. Seasonal PWC lifts shall be removed for the non-boating season.
12. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland after July 1, 2008.

#### With Findings:

1. This is a minor impact project per Administrative Rule Env-Wt 303.03(d), alteration of docking facilities providing 4 boat slips.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a) Requirements for Application Evaluation, has been considered in the design of the project.
5. The applicant has an average of 211 feet of shoreline frontage along Lake Sunapee.
6. A maximum of 3 slips may be permitted on this frontage per Rule Env-Wt 402.13, Frontage Over 75'.
7. The proposed modifications to the boathouse will not increase the number of slips provided by the structure.
8. The proposed modifications to the boathouse will reduce the sq ft area of enclosed space on both the first and second floors and therefore the modifications are consistent with the intent of RSA 482-A:26.
9. The Applicant has submitted evidence showing a finished second floor of the boathouse which had been previously heated, insulated, and wired for electricity.

## MINIMUM IMPACT PROJECT

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**2006-02466                      CAPUANO, GAETANO**  
**SALEM    Unnamed Stream Drainage Swale**

### DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Denied for insufficient & untimely response

### With Findings:

1. A request for additional information dated 09/26/06, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2008-00859                      KAKLAMANOS, KATHY**  
**HAMPTON    Unnamed Wetland**

### DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Denied insufficient & untimely response

### With Findings:

1. A request for additional information dated 05/30/08, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2008-00976                      CUMMINGS, JOHN**  
**CANDIA    Unnamed Wetland**

### DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Denied for insufficient & untimely response

### With Findings:

1. A request for additional information dated 06/10/08, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2008-01841                      PIET, EILEEN**  
**HAMPTON    Unnamed Wetland Tidal Water**

### DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Denied for insufficient & untimely response

### With Findings:

1. A request for additional information dated 09/10/08, addressed to the applicant or agent of record, clearly identified the

requirement that the applicant to submit additional information to DES within 60 days of the request.

2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.

3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2010-02204                      PREVETT, ANTHONY/MARY**  
**LACONIA   Lake Winnepesaukee**

**Requested Action:**

Retain a 10 ft x 18 ft seasonal canopy over a pre-existing seasonal boat lift, retain a second seasonal boat lift installed in the northern slip, and retain repairs to 23 linear feet of shoreline on an average of 97 ft of frontage on Lake Winnepesaukee, in Laconia.

\*\*\*\*\*

**Conservation Commission/Staff Comments:**

Con Com questions ATF application

**APPROVE AFTER THE FACT:**

Retain a 10 ft x 18 ft seasonal canopy over a pre-existing seasonal boat lift, retain a second seasonal boat lift installed in the northern slip, and retain repairs to 23 linear feet of shoreline on an average of 97 ft of frontage on Lake Winnepesaukee, in Laconia.

**With Conditions:**

1. All structures shall be maintained as shown on plans by Watermark Marine Construction dated October 5, 2010, as received by the NH Department of Environmental Services (DES) on October 22, 2010.
2. This permit shall not be effective until it has been recorded with the County Registry of Deeds office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau by certified mail, return receipt requested, prior to construction.
3. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
4. The seasonal boat lifts shall be removed for the non-boating season.
5. Canopies shall be of seasonal construction type with a flexible fabric cover. The seasonal support frame shall be designed to be removed for the non-boating season. The flexible fabric cover shall be removed during all seasons of non-use.
6. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(ac), installation of a seasonal boat lift.

**2010-02321                      FOX HOLLOW PROPERTIES LLC**  
**MEREDITH   Unnamed Wetland**

**Requested Action:**

Dredge and fill 1,266 sq. ft. of palustrine scrub shrub/emergent wetlands for maintenance access to a utility pole.

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**APPROVE PERMIT:**

Dredge and fill 1,266 sq. ft. of palustrine scrub shrub/emergent wetlands for maintenance access to a utility pole.

**With Conditions:**

1. All work shall be in accordance with plans by New Hampshire Environmental Consultants, LLC dated July 25, 2010, as received by the Department on August 23, 2010.
2. Work shall be done during dry/low flow conditions.
3. Work shall be conducted in a manner so as to minimize turbidity and sedimentation to surface waters and wetlands.



4. Appropriate siltation/erosion controls shall be in place prior to construction, shall be maintained during construction, and remain until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
5. Orange construction fencing shall be placed at the limits of construction within or directly adjacent to wetlands or surface waters to prevent accidental encroachment on wetlands.
6. Dredged material shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
8. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 sq. ft. of wetlands.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2010-03290                      AMICK, ROBERT**  
**WOLFEBORO   Lake Winnepesaukee**

Requested Action:

Repair an existing 8 ft x 26 ft crib supported dock in kind on Lake Winnepesaukee, Wolfeboro.

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Conservation Commission/Staff Comments:

No comments from Con Com by 12/30/2010

APPROVE PERMIT:

Repair an existing 8 ft x 26 ft crib supported dock in kind on Lake Winnepesaukee, Wolfeboro.

With Conditions:

1. All work shall be in accordance with plans by Fernstone Associates revision dated January 25, 2011, as received by the NH Department of Environmental Services (DES) on January 26, 2011.
2. This permit shall not be effective until it has been recorded with the county Registry of Deeds Office by the Permittee. A copy of the recorded permit shall be submitted to the DES Wetlands Bureau, by certified mail, return receipt requested, prior to construction.
3. This permit to replace or repair existing structures shall not preclude the DES from taking any enforcement action or revocation action if the DES later determines that the structures represented as "existing" were not previously permitted or grandfathered.
4. The repairs shall maintain the size, location and configuration of the pre-existing structures.
5. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
6. All construction related debris shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
7. Appropriate siltation, erosion, and turbidity controls shall be in place prior to construction, maintained during construction, and shall remain until the area is stabilized.
8. Work authorized shall be carried out such that discharges in spawning or nursery areas during spawning seasons shall be avoided, and impacts to such areas shall be avoided or minimized to the maximum extent practicable during all times of the year.
9. Work shall be carried out in a time and manner such that disturbance to migratory waterfowl breeding areas and spawning areas shall be avoided.
10. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within

the Protected Shoreland.

With Findings:

1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

**2010-03355                      FALKENHAM, MARK**  
**SANDOWN    Unnamed Wetland**

Requested Action:

Dredge and fill 1,876 square feet of wet meadow to upgrade an existing utility access road and replace an existing 12-inch culvert with a 24-inch HDPE culvert to construct a driveway to a single-family residential dwelling on approximately 14.8 acres as part of a 2-lot subdivision of approximately 16.97 acres.

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Conservation Commission/Staff Comments:

The Sandown Conservation Commission did not sign the Minimum Impact Expedited Application.

APPROVE PERMIT:

Dredge and fill 1,876 square feet of wet meadow to upgrade an existing utility access road and replace an existing 12-inch culvert with a 24-inch HDPE culvert to construct a driveway to a single-family residential dwelling on approximately 14.8 acres as part of a 2-lot subdivision of approximately 16.97 acres.

With Conditions:

1. All work shall be in accordance with plans by MHF Design Consultants, Inc. dated December 8, 2010, as received by the NH Department of Environmental Services (DES) on January 6, 2011.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
4. This permit is contingent on approval by the DES Subsurface Systems Bureau.
5. Work shall be done during seasonal low flow conditions.
6. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
7. Proper headwalls shall be constructed within seven days of culvert installation.
8. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f), alteration of less than 3,000 square feet of wet meadow.
2. The impacts are necessary to access buildable upland; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. An existing utility access road will be utilized; therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**2010-03453                      PORTSMOUTH DPW, CITY OF**  
**PORTSMOUTH    Tidal Wetland**

Requested Action:

Dredge and fill 300 sq. ft. of tidal wetlands for the installation of a new pre-cast 4 ft. x 2.5 ft. box culvert with associated rip-rap.  
Impact 880 sq. ft. of previously developed upland tidal buffer zone for the installation of new stormwater and sewer pipes.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con. Com. recommends approval.

APPROVE PERMIT:

Dredge and fill 300 sq. ft. of tidal wetlands for the installation of a new pre-cast 4 ft. x 2.5 ft. box culvert with associated rip-rap.  
Impact 880 sq. ft. of previously developed upland tidal buffer zone for the installation of new stormwater and sewer pipes.

With Conditions:

1. All work shall be in accordance with plans by Underwood Engineers, Inc. dated December 12, 2010, as received by the NH Department of Environmental Services (DES) on December 29, 2010.
2. Any further alteration of areas on this property that are within the jurisdiction of the DES Wetlands Bureau will require a new application and further permitting by the Bureau.
3. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require a new application and approval by the Bureau.
4. The developed upland tidal buffer zone impact area shall be regraded to original contours following completion of work.
5. Culvert outlets shall be protected in accordance with the DES Best Management Practices for Urban Stormwater Runoff Manual (January 1996) and the Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire (August 1992).
6. Cofferdams shall not be installed during periods of high tide. Once a cofferdam is fully effective, confined work can proceed without restriction.
7. Temporary cofferdams shall be entirely removed immediately following construction.
8. Discharge from dewatering of work areas shall be to sediment basins that are: a) located in uplands; b) lined with hay bales or other acceptable sediment trapping liners; c) set back as far as possible from wetlands and surface waters, in all cases with a minimum of 20 feet of undisturbed vegetated buffer.
9. Dredged material from shall be placed outside of the jurisdiction of the DES Wetlands Bureau.
10. Culvert outlets shall be properly rip rapped.
11. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.
12. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
13. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
15. Appropriate turbidity controls shall be installed prior to construction, shall be maintained during construction such that no turbidity escapes the immediate work area, and shall remain until suspended particles have settled and the water at the work site has returned to normal clarity.
16. Work within tidal wetland areas shall be done during low tide.
17. Construction equipment shall be inspected daily for leaking fuel, oil and hydraulic fluid prior to entering surface waters or wetlands.  
Faulty equipment shall be repaired prior to entering jurisdictional areas.
18. The contractor shall have appropriate oil spill kits on site and readily accessible at all times during construction and each operator shall be trained in its use.
19. All refueling of equipment shall occur outside of surface waters or wetlands.

With Findings:

1. In accordance with Env-Wt 303.04(o), this project is deemed minimum impact based on the degree of environmental impact. The project proposes minimal impacts to the edge of the tidal wetland area of the South Mill Pond. The pond is a shallow and tidally influenced through tide gates that can be opened and closed manually to maintain water levels in the pond.
2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01. During major storm events the sewage and stormwater runoff combine resulting in occasional discharges of sewage into South Mill Pond. The project is separating storm drains and sewer lines in order to prevent this discharge.
3. The applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03. The previously developed upland tidal buffer zone impacts will be returned to original condition after completion of work and the applicant has proposed the minimal amount of rip-rap necessary at the culvert outlet to minimize scour and sediment transport into South Mill Pond.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(a), Requirements for Application Evaluation, has been considered in the design of the project. It was determined by NH Natural Heritage Bureau (NHB) that, although there was record of a species of special concern within the vicinity of the project, NHB does not expect that it will be impacted by the project.

**2011-00006                      PSNH  
HOOKSETT   Unnamed Wetland**

Requested Action:

Repair damaged PSNH structure on the D118 transmission line to include staging equipment in/adjacent to approximately 200 sq.ft. wetland area to be placed on mats to be removed following completion of work.

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APPROVE PERMIT:

Repair damaged PSNH structure on the D118 transmission line to include staging equipment in/adjacent to approximately 200 sq.ft. wetland area to be placed on mats to be removed following completion of work.

With Conditions:

1. Area shall be regraded to original contours following completion of work.
2. There shall be no further alteration of wetlands for lot development, driveways, culverts, or for septic setback.
3. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.

Requested Action:

Confirm emergency authorization to repair a damaged structure (#138) on the D-118 PSNH transmission line in Hooksett.

\*\*\*\*\*

CONFIRM EMERGENCY AUTHORIZATION:

Confirm emergency authorization to repair a damaged structure (#138) on the D-118 PSNH transmission line in Hooksett.

With Conditions:

1. Any future work on this property that is within the jurisdiction of the DES Wetlands Bureau as specified in RSA 482-A will require further approval by the Bureau.
2. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
3. Within three days of final grading or temporary suspension of work, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(f) Projects involving alteration of less than 3,000

square feet in swamps or wet meadows that are not in prime wetlands or do not meet the requirements of Env-Wt 303.02(k), provided that no previous department permit has placed restrictions on the property of the applicant.

2. The need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.

## FORESTRY NOTIFICATION

\*\*\*\*\*

**2011-00238                      LAPERLE, DONALD/RACHEL**  
**ROCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Rochester Tax Map 255, Lot# 24

**2011-00239                      ROCHESTER, CITY OF**  
**ROCHESTER   Unnamed Stream**

COMPLETE NOTIFICATION:  
Rochester Tax Map 242, Lot# 6

**2011-00240                      NFTI LIMITED PARTNERS**  
**WILMOT   Unnamed Stream**

COMPLETE NOTIFICATION:  
Wilmot Tax Map 8, Lot# 2

**2011-00241                      JADWIN, JOHN & ANNE**  
**FITZWILLIAM   Unnamed Stream**

COMPLETE NOTIFICATION:  
Fitzwilliam Tax Map 6, Lot# 42

**2011-00242                      HILLS CORNER FARM REALTY, JOHN CIANO**  
**CANTERBURY   Unnamed Stream**

COMPLETE NOTIFICATION:  
Canterbury Tax Map 209, Lot# 29

**2011-00254                      OTT TRUST, JOSEPHINE**  
**LYMAN   Unnamed Stream**

COMPLETE NOTIFICATION:  
Lyman Tax Map 240, Lot# 6

**2011-00255**                      **OSBORNE, DAVID/LOUISE**  
**PITTSFIELD**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Pittsfield Tax Map R18, Lot# 8

**2011-00256**                      **CASSIN, ROBERT**  
**CHESTERFIELD**   **Unnamed Wetland**

COMPLETE NOTIFICATION:  
Chesterfield Tax Map 7, Lot# A1

**2011-00264**                      **PELHAM FISH & GAME CLUB INC**  
**PELHAM**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Pelham Tax Map 9, Lot# 145

**2011-00267**                      **YANKEE FOREST LLC**  
**MILAN**   **Unnamed Wetland**

COMPLETE NOTIFICATION:  
Milan Tax Map 42, Lot# 02 Parcel E

**2011-00274**                      **DELAND, FRANK**  
**LYNDEBOROUGH**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Lyndeboro Tax Map 12, Lot# 44

**2011-00275**                      **NEW ENGLAND FORESTRY FOUNDATION**  
**NEW BOSTON**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
New Boston Tax Map 10, Lot# 24

**2011-00276**                      **BIRCH, ARTHUR**  
**ROCHESTER**   **Unnamed Stream**

COMPLETE NOTIFICATION:  
Rochester Tax Map 109, Lot# 99

**2011-00281**                      **OSBORNE, DAVID/LOUISE**  
**LOUDON**   **Unnamed Stream**

COMPLETE NOTIFICATION:

Loudon Tax Map 8, Lot# 8

EXPEDITED MINIMUM

\*\*\*\*\*

**2006-02234                      MECSERY, SHEILA/STEPHEN**  
**BRADFORD    Unnamed Stream**

Requested Action:

Upgrade an existing logging road for a driveway with culverts to a proposed single family home impacting.

\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Denied for insufficient & untimely response

With Findings:

1. A request for additional information dated 09/05/06, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2007-02336                      TROY REDEVELOPMENT GROUP INC**  
**TROY    Rockwood Brook**

Requested Action:

Rebuild a training wall downstream of dam im pacting 20 linear feet of stream.

\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Denied for insufficient & untimely response

With Findings:

1. A request for additional information dated 10/04/07, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2009-00268                      SHEDD, DAVID**  
**BARTLETT    East Branch Of The Saco River**

Requested Action:

Place a temporary 32 foot wooden bridge

\*\*\*\*\*

DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:

Denied for insufficient & untimely response

With Findings:

1. A request for additional information dated 02/18/09, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**2010-02882                      JOHNSON, ROBERT**  
**NEWTON   Country Pond**

Requested Action:

Restore an existing perched beach, replace 60 linear feet of existing retaining wall, and install 4 ft wide access stairs on 60 ft of frontage on Country Pond, in Newton.

\*\*\*\*\*

Conservation Commission/Staff Comments:

Con Com signed Exp Application

APPROVE PERMIT:

Restore an existing perched beach, replace 60 linear feet of existing retaining wall, and install 4 ft wide access stairs on 60 ft of frontage on Country Pond, in Newton.

With Conditions:

1. All work shall be in accordance with plans as received by the NH Department of Environmental Services (DES) on October 20, 2010.
2. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.
3. Area shall be regraded to original contours following completion of work.
4. Retaining wall shall be constructed landward of the shoreline defined by the elevation of normal high water so as not to create land in public water.
5. Appropriate siltation/erosion/turbidity controls shall be in place prior to construction, shall be maintained during construction, and remain in place until the area is stabilized. Silt fence(s) must be removed once the area is stabilized.
6. The stairs shall be located landward of full lake elevation and located entirely behind the wall.
7. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B. The owner is responsible for obtaining any Shoreland Permit that may be required per RSA 483-B, for construction, excavation or fill that will occur within the Protected Shoreland.

With Findings:

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(o), projects deemed minimum by the department.

**2010-03428                      BOARS HEAD CONDO ASSOC**  
**HAMPTON   Atlantic Ocean**

Requested Action:

Impact 144 linear feet of an existing rip-rap seawall for the in-kind repairs to damaged areas sustained from multiple storms for the continued protection against future storm wave energy on the Atlantic Ocean.

\*\*\*\*\*

Conservation Commission/Staff Comments:



The Hampton Conservation Commission signed the Minimum Impact Expedited Application.

**APPROVE PERMIT:**

Impact 144 linear feet of an existing rip-rap seawall for the in-kind repairs to damaged areas sustained from multiple storms for the continued protection against future storm wave energy on the Atlantic Ocean.

**With Conditions:**

1. All work shall be in accordance with plans received by the NH Department of Environmental Services (DES) on December 23, 2010.
2. NH DES Wetlands Bureau Southeast Region staff shall be notified in writing prior to commencement of work and upon its completion.
3. All activities shall be in accordance with the Comprehensive Shoreland Protection Act, RSA 483-B.
4. Additional expedited minimum impact applications shall be accepted for the subject property for a period of 12 months only if the applicant demonstrates by plan that the additional project(s) are wholly unrelated or separate from the original application and when considered with the original application are not classified as minor or major.
6. No fill shall be done for lot development.
7. Existing rocks which have fallen shall be used for repair. No Additional Rocks.
8. Repair shall maintain existing size, location and configuration.

**With Findings:**

1. This is a minimum impact project per Administrative Rule Env-Wt 303.04(x) maintenance, repair, or replacement of a nondocking structure such as a culvert, headwall, bridge, dam, residential utility line, or rip-rap slope of less than 50 linear feet.
2. The existing seawall has sustained damage from multiple storms and the effectiveness of the wall is compromised; therefore, the need for the proposed impacts has been demonstrated by the applicant per Env-Wt 302.01.
3. The repairs will be done in-kind; therefore, the applicant has provided evidence which demonstrates that this proposal is the alternative with the least adverse impact to areas and environments under the department's jurisdiction per Env-Wt 302.03.
4. The applicant has demonstrated by plan and example that each factor listed in Env-Wt 302.04(b) Requirements for Application Evaluation, has been considered in the design of the project.

**AGRICULTURE MINIMUM**

\*\*\*\*\*

**2009-01618                      HAWKINS, CHRISTOPHER**  
**NORTHUMBERLAND   Unnamed Pond**

**DENY PERMIT-INSUFFICIENT & UNTIMELY RESP:**

Denied for insufficient & untimely response

**With Findings:**

1. A request for additional information dated 07/29/09, addressed to the applicant or agent of record, clearly identified the requirement that the applicant to submit additional information to DES within 60 days of the request.
2. Pursuant to RSA 482-A:3, XIV(a) (1), if the requested additional information is not received by DES within 60 days of the request, DES shall deny the application.
3. DES did not receive the requested additional information within the 60 days and therefore the application has been denied.

**GOLD DREDGE**

\*\*\*\*\*

**2011-00266**                      **MINER, STEVEN**  
**(ALL TOWNS)   Unnamed Stream**

Conservation Commission/Staff Comments:  
CC Bath Con Com

#### PERMIT BY NOTIFICATION

\*\*\*\*\*

**2011-00007**                      **MELVIN VILLAGE MARINA INC**  
**MELVIN VILLAGE   Lake Winnepesaukee**

Requested Action:  
Repair of existing docking structures with no change in size, location or configuration.  
\*\*\*\*\*

Conservation Commission/Staff Comments:  
Con Com signed PBN form

PBN IS COMPLETE:  
Repair of existing docking structures with no change in size, location or configuration.

With Findings:  
1. This project is classified as a minimum impact project per Rule Env-Wt 303.04(v), repair of existing docking structures with no change in size, location or configuration.

#### CSPA PERMIT

\*\*\*\*\*

**2009-02735**                      **PUBLIC SERVICE OF NH**  
**NEWINGTON   Piscataqua River**

Requested Action:  
Approve name change to: Public Service of NH, PO Box 330, Manchester, NH 03105 per request received 2/1/2011. Previous owner: GSM Realty Trust.  
\*\*\*\*\*

APPROVE NAME CHANGE:  
Impact 25,000+ sq ft to implement drainage improvement plan for a 17 acre parcel zoned waterfront industrial that requires stabilization.

With Conditions:  
1. All work shall be in accordance with plans by The H.L. Turner Group Inc. dated November 16, 2009 and received by the Department of Environmental Services ("DES") on November 17, 2009.  
2. This permit is contingent on approval by the DES Alteration of Terrain Program.  
3. No more than 7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.

4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude the Department of Environmental Services (DES) from taking any enforcement or revocation action if the DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wt 502.02.

**2010-02679                      MAHONEY, JAMES**  
**FRANKLIN   Webster Lake**

Requested Action:

Approve name change to: James E. Mahoney, 3 Cedar Ave, Stoneham, MA 02180 per request received 2/2/2011. Previous owner Michael Workman.

\*\*\*\*\*

APPROVE NAME CHANGE:

Impact 3,824 sq ft in order to demolish an existing structure and construct a new cottage having a larger footprint.

With Conditions:

1. All work shall be in accordance with plans by Varney Engineering, LLC dated September 28, 2010 and received by the NH Department of Environmental Services (DES) on September 30, 2010.
2. No more than 11.3% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. At least 1,828 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

With Findings:

1. This permit transfer is issued in accordance with NH Administrative Rule Env-Wq 1406.18.

**2010-02907                      LEVINE, JOEL**  
**ENFIELD   Mascoma Lake**

Requested Action:

Impact 3,541 sq ft for the purpose of installing a new septic system.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact 3,541 sq ft for the purpose of installing a new septic system.

**With Conditions:**

1. All work shall be in accordance with plans by CLD Consulting Engineers dated October, 2010 and received by the Department of Environmental Services ("DES") on October 18, 2010.
2. No more than 31.70% of the area of the lot 23 within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. No more than 14.6% of the area of the lot 23 within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
4. This permit is contingent upon receiving all necessary approvals from the DES Subsurface Systems Bureau.
5. No impacts to natural ground cover or native vegetation shall occur within the waterfront buffer.
6. At least 2,866 sq ft of the natural woodland buffer must remain in an unaltered state in order to remain compliant with RSA 483-B:9, V, (b), (2), (A), (ii).
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. Erosion and siltation control measures shall be installed prior to the start of work, be maintained throughout the project, and remain in place until all disturbed surfaces are stabilized.
9. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
10. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
11. Any fill used shall be clean sand, gravel, rock, or other suitable material.
12. The contractor responsible for completion of the work shall utilize techniques described in the New Hampshire Stormwater Manual, Volume 3, Erosion and Sediment Controls During Construction (December 2008).
13. Within three days of final grading or temporary suspension of work in an area that is in or adjacent to wetlands or surface waters, all exposed soil areas shall be stabilized by seeding and mulching during the growing season, or if not within the growing season, by mulching with tack or netting and pinning on slopes steeper than 3:1.
14. Silt fencing must be removed once the area is stabilized.
15. Upon completion of the proposed project, the existing septic system will pose no threat to adjacent public surface waters.

**2010-03178                      WALDECK REVOCABLE TRUST**  
**NEWBURY   Sunapee Lake**

**Requested Action:**

**AMENDMENT DESCRIPTION:** Revised plans dated January 2, 2011, to add 200 sq ft to cottage.

Impact 2,288 sq ft in order to pour foundation under existing cottage, remove existing deck, add a 4ft x 6ft roofed entry, and install a septic system.

\*\*\*\*\*

**APPROVE AMENDMENT:**

**AMENDMENT DESCRIPTION:** Revised plans dated January 2, 2011, to add 200 sq ft to cottage.

Impact 2,288 sq ft in order to pour foundation under existing cottage, remove existing deck, add a 4ft x 6ft roofed entry, and install a septic system.

**With Conditions:**

1. All work shall be in accordance with plans by CLD Consulting Engineers dated October 1, 2010 and received by the NH Department of Environmental Services (DES) on November 22, 2010.
2. This permit is contingent on approval by the DES Subsurface Systems Bureau.
3. No more than 25.7% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless

additional approval is obtained from DES.

4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
7. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
8. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
9. Any fill used shall be clean sand, gravel, rock, or other suitable material.
10. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00087                      RAYNOR, JASON**  
**HARRISVILLE   Harrisville Pond**

Requested Action:

AMENDMENT DESCRIPTION: Add a 230 sq ft breezeway connection from the house to the proposed garage.

Impact 624 sq ft in order to construct a garage.

\*\*\*\*\*

APPROVE AMENDMENT:

AMENDMENT DESCRIPTION: Add a 230 sq ft breezeway connection from the house to the proposed garage.

Impact 624 sq ft in order to construct a garage.

With Conditions:

1. All work shall be in accordance with plans by Jason Raynor dated January 1, 2011 and received by the NH Department of Environmental Services (DES) on January 7, 2011.
2. No more than 2% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 5,000 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 5,000 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**2011-00251                      TERESA M LYNCH TRUST-2005**  
**ENFIELD   Mascoma Lake**

Requested Action:

Impact approximately 2,631 sq ft in order to level altered area within the waterfront buffer and construct a retaining wall.

\*\*\*\*\*

**APPROVE PERMIT:**

Impact approximately 2,631 sq ft in order to level altered area within the waterfront buffer and construct a retaining wall.

**With Conditions:**

1. All work shall be in accordance with plans by CLD Consulting Engineers dated January 1, 2011 and received by the NH Department of Environmental Services (DES) on January 27, 2011.
2. No more than 12.9% of the area of the lot within the protected shoreland shall be covered by impervious surfaces unless additional approval is obtained from DES.
3. The project as proposed will leave approximately 9,543 sq ft of the Natural Woodland Buffer beyond the primary building setback in an unaltered state. At least 9,483 sq ft of the Natural Woodland Buffer beyond the primary building setback must remain in an unaltered state in order to comply with RSA 483-B:9, V, (b), (2).
4. Erosion and siltation controls shall be appropriate to the size and nature of the project and to the physical characteristics of the site, including slope, soil type, vegetative cover, and proximity to wetlands or surface waters.
5. All activities conducted in association with the completion of this project shall be conducted in a manner that complies with applicable criteria of Administrative Rules Chapter Env-Wq 1400 and RSA 483-B during and after construction.
6. No person undertaking any activity in the protected shoreland shall cause or contribute to, or allow the activity to cause or contribute to, any violations of the surface water quality standards established in Env-Ws 1700 or successor rules in Env-Wq 1700.
7. Any fill used shall be clean sand, gravel, rock, or other suitable material.
8. This permit shall not preclude DES from taking any enforcement or revocation action if DES later determines that any of the structures depicted as "existing" on the plans submitted by the applicant were not previously permitted or grandfathered.

**CSPA PERMIT W/WAIVER**

\*\*\*\*\*

**2010-01920                      BERUBE, RALPH**  
**DERRY   Beaver Lake**

**Requested Action:**

Impact 2,251 sq ft for the purpose of constructing a new deck and garage.

\*\*\*\*\*

**DENY PERMIT:**

Impact 2,251 sq ft for the purpose of constructing a new deck and garage.

**With Findings:**

**Standards for Approval**

1. Pursuant to RSA 483-B:3, Consistency Required, "State and local permits shall be issued only when consistent with the policies of this chapter."
2. In accordance with RSA 483-B:11, I, between the primary building line and the reference line, no alteration shall extend the structure closer to the public water, except that the addition of a deck or open porch is permitted up to a maximum of 12 feet towards the reference line for nonconforming structures erected prior to July 1, 1994.
3. In accordance with RSA 483-B:11, II, when reviewing requests for the redevelopment of sites that contain nonconforming structures or any expansions of nonconforming structures the commissioner shall review proposals which are more nearly conforming than the existing structures, and may waive some of the standards specified in RSA 483-B:9, so long as there is at least the same degree of protection provided to the public waters.
4. Pursuant to RSA 483-B:9, V, (g)(1), no more than 30 percent of the area of a lot located within the protected shoreland shall be composed of impervious surfaces.
5. Pursuant to RSA 483-B:9, V (h)(i), the commissioner shall have the authority to grant variances from the minimum standards of this section. Such authority shall be exercised subject to the criteria which govern the grant of a variance by a zoning board of

adjustment under RSA 674:33, I(b).

6. In accordance with Administrative Rule Env-Wq 1409.01, (b)(1) each applicant for a variance under RSA 483-B:9, V(i) shall provide a statement describing how the literal enforcement of the standard of which the applicant is seeking relief would result in an unnecessary hardship.

#### Findings of Fact

1. The Applicant is the owner of a lot located within the protected shoreland of Beaver Lake, more particularly identified as Derry tax map 51, lot 48 (the Property).
2. On June 21, 2010, the Department of Environmental Services received a Shoreland Permit Application including both a waiver request and variance request to construct a new garage and additional deck.
3. The Applicant is seeking a variance to exceed the limitation established within RSA 483-B:11, I, more specifically, extending deck area greater than 12 feet towards the reference line.
4. The Applicant is seeking a waiver under RSA 483-B:11, II to further exceed the impervious surface limits established within RSA 483-B:9, V, G, specifically, increasing the impervious surface coverage from 44% to 46% of the are of the lot.
5. The proposed deck would extend lakeward from a pre-existing deck and sunroom (porch) resulting in a deck which would exceed the 12 ft width allowed in RSA 483-B:11, I.

#### Ruling in Support of the Decision

1. Because neither the further increase of the impervious area of the lot nor the further encroachment on the reference line with the proposed deck would provide at least the same level of protection to Beaver Lake the requirements for a waiver established in RSA 483-B:11, II have not been met.
2. The project, as proposed, increases the impervious area of the lot within the protected shoreland greater than that permissible under RSA 483-B:9, V, (g)(1), and therefore, pursuant to RSA 483-B:3, the permit application is denied.
3. The applicant did not provide sufficient evidence to demonstrate that a condition of the property would result in an unnecessary hardship if a variance for the project was not issued. Therefore, in accordance with RSA 674:33, I(b) and RSA 483-B:3, the permit application and variance request is denied.

#### UTILITY NOTIFICATION

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**2010-03227                      BERLIN DPW, CITY OF**  
**BERLIN   Unnamed Wetland**

**2011-00284                      PSNH**  
**STRAFFORD   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00285                      PSNH**  
**STRATHAM   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00286                      PSNH**  
**SUGAR HILL   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00287                      PSNH**  
**SULLIVAN   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00288                      PSNH**  
**SUNAPEE   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00289                      PSNH**  
**SWANZEY   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00291                      PSNH**  
**THORNTON   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00292                      PSNH**  
**TILTON   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00293                      PSNH**  
**TROY   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00294                      PSNH**  
**WEARE   Unnamed Wetland**



Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00295                      PSNH**  
**WHITEFIELD   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00296                      PSNH**  
**WILMOT   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00297                      PSNH**  
**WINCHESTER   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00298                      PSNH**  
**WINDHAM   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount

**2011-00299                      PSNH**  
**WOODSTOCK   Unnamed Wetland**

Conservation Commission/Staff Comments:  
see file 11-15 for fee amount